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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF NEVADA
8

9 ROBERT KINCH ,
10 Plaintiff,

Case No.:

11 v.

12 LAS VEGAS METROPOLITAN
POLICE DEPARTMENT, a
13 political subdivision of the State of
Nevada

COMPLAINT

JURY TRIAL DEMANDED

14 Defendant.
15 _____/

16 COMES NOW the Plaintiff Robert Kinch by and through undersigned counsel Adam Levine,
17 Esq. of the Law Office of Daniel Marks and hereby files his Complaint against the Defendant Las
18 Vegas Metropolitan Police Department herein alleges as follows:

- 19 1. At all times material hereto Plaintiff was a resident of Clark County, Nevada.
- 20 2. That at all times material hereto, the Las Vegas Metropolitan Police Department (hereafter
21 sometimes referred to as "LVMPD" or "Metro") was a political subdivision of the State of Nevada.
- 22 3. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 as this action is brought pursuant to
23 Title VII of the Civil Rights Act of 1964 (as amended) 42 U.S.C. §2000e et. seq.
- 24 4. Plaintiff is employed as a Police Officer with LVMPD.

1 5. On or about on July 18, 2014 Plaintiff in an interview in connection with his Facebook
2 posting Plaintiff again raised the issue of the racist/anti-semetic comments posted in the same
3 Facebook posting to the Internal Affairs Officer conducting the interview.

4 6. That in or about October 17, 2014 Plaintiff reported acts of what he believed to be race
5 discrimination to LVMPD in connection with a Facebook posting of racist/anti-semetic comments by
6 fellow officer of African-American ancestry.

7 7. On or about October 29, 2014 Kinch gave testimony in support of Officer John Ducas'
8 complaint to Diversity regarding Ducas being discriminated against by Sgt. Adrian Beas and Lt. Clint
9 Nichols because Ducas is white. At that time Kinch was assigned to the Robbery/Homicide Bureau's
10 "Black" squad which investigates robberies by African American suspects.

11 8. On November 12, 2014 Kinch was told he was being moved to the "WHO" (White,
12 Hispanics and Others) squad which investigates robberies by white, Hispanic and other non-African
13 American suspects. He was informed that he could only work on cases where the suspect was already
14 in custody, could not respond to investigations in the field, or receive call out or overtime as the other
15 detectives in Robbery did. This constitutes tangible employment action as it had adverse financial
16 consequences.

17 9. On December 8, 2014 Kinch met with Assistant Sheriff Kevin McMahon who informed
18 Kinch that he wanted to return Kinch to the Repeat Offender Program/Career Criminal ("ROP")
19 section where Kinch had been assigned before filing his own Diversity Complaint alleging race
20 discrimination.

21 10. In or around December 16, 2014 Plaintiff filed a charge of discrimination in connection
22 with those reported acts of racial discrimination with the Equal Employment Opportunity Commission
23 ("EEOC") in Charge No. 487-2015-00196 (hereafter "the EEOC Charge").

24 ///

1 11. On January 11, 2015 the Las Vegas Sun ran a story entitled Finding the Line “Unraveling a
2 difficult charge of racism within the Metro Police Department” featuring Kinch’s complaints and
3 previous transfer from ROP.

4 12. On January 13, 2015 Kinch had his badge, premise card, Department ID confiscated, was
5 put on administrative leave, and ordered to undergo a psychological evaluation for fitness for duty. He
6 was cleared by Dr. Bonnie Winkleman on January 16, 2015. Despite being cleared for duty, the
7 Department refused to return Kinch to active duty until March 30, 2015.

8 13. On March 30, 2015 Kinch met with the Robbery/Homicide Bureau Commander, Captain
9 Tomaino who informed Kinch he was being moved out of Robbery/Homicide because he “could not
10 be the one to find the bloody glove at Rockingham”. This was a reference to the O.J. Simpson case and
11 falsely implied that Kinch could not work on cases with African American suspects.

12 14. On April 6, 2015 Kinch was transferred to the Southern Nevada Counter Terrorism Center
13 (“SNCTC”) and put on dayshift despite being provided his swing shift pay differential.

14 15. He was not given a job description or a shift supervisor to report to.

15 16. On June 23, 2015 Kinch was administratively transferred again to the new Homicide/Sex
16 Crimes Bureau where he has been tasked with cold case files for sexual assault and missing persons.
17 He still has no job description. He has received no call out or overtime since being told November 21,
18 2014 that he would not receive call out or overtime.

19 17. That the actions of the Las Vegas Metropolitan Police Department as set forth above
20 constitute retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §
21 2000e for the filing of the EEOC Charge.

22 18. That as a direct and proximate result of the Defendant’s retaliation in violation of Title VII
23 of the Civil Rights Act as set forth above, Plaintiff is entitled to a declaration of retaliation, special
24 damages for his loss of income as a result of being passed over for overtime and call-outs,

1 compensatory damages for fear, emotional distress, humiliation and/or embarrassment resulting from
2 the retaliatory accusations and discipline, his attorney's fees and/or any other legal or other equitable
3 relief available under Title VII of the Civil Rights Act.

4 19. Plaintiff has exhausted his administrative remedies and received a Right to Sue letter from
5 the EEOC.

6 WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:

- 7 1. For special damages in an amount in excess of \$10,000.
8 2. For compensatory damages according in excess of \$10,000.
9 3. For attorneys' fees and costs incurred herein.
10 4. For such other and further equitable relief, including injunctive relief, as the Court
11 deems just and proper.

12 DATED this 15th day of April, 2016.

13 LAW OFFICE OF DANIEL MARKS

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